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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,784	12/21/2000	Stefan Feuchtinger	Q62359	6391

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,784

Applicant(s)

FEUCHTINGER ET AL.

Examiner

JOHN J LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, the limitations “unit” (in pages 11, lines 6) and “said station” (in pages 11, lines 10) are indefinite because they are not clear as to what is claimed.

Re claims 2, 4, 5, and 7-12, the limitations “it” and “and/or” are indefinite because they are not clear as to what is claimed.

Re claims 2 – 6, the limitation “The unit” (in starting word) is indefinite because it is not clear as to what is claimed.

Re claims 1 – 6, the limitation “the mobile network” in pages 11, lines 3 should be changed to “a mobile network”, the limitation “a portable radiotelephone terminal” in pages 11, lines 13 should be changed to “the portable radiotelephone terminal”, the limitation “a relay transceiver station of a communication network” in pages 11, lines 18 and lines 22 should be changed to “the relay transceiver station of the communication network”, the limitation “transceiver” in pages 11, lines 27 should be changed to “the transceiver”, the limitation “a portable radiotelephone terminal” pages 11, lines 32 should be changed to “the portable radiotelephone terminal”, and the limitation “a relay

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transceiver station" in pages 11, lines 33 should be changed to "the relay transceiver station" There are insufficient antecedent basis for these limitations in the claims.

Re claims 7 – 12, Applicant is requested in referring to back to be consistency in following claims 7 – 12. There are insufficient antecedent basis for these limitations in the claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1 – 12** are rejected under 35 U.S.C. 102(e) as being anticipated by Jarett et al. (US Patent number 5,911,120).

Regarding **claim 1**, Jarett discloses that a radiotelephone terminal unit (10 in Fig. 2) for a subscriber who has a portable radiotelephone terminal (12 in Fig. 2) of a mobile

network type (Fig. 1) or cordless telephone type (Fig. 2) which is adapted to be carried around by a user and by means of which said user communicates via a communication network (Fig. 1, 2) to which said user is connected by radio via a relay transceiver station (18 in Fig. 1) (abstract, Fig. 1, 2, and column 2, lines 32 – column 3, lines 61), which unit includes a radiotelephone terminal (Fig. 2) which is complementary to said portable radiotelephone terminal (Fig. 1) (abstract), preferably adapted to remain in place (Fig. 2), and can be used conjointly with said portable radiotelephone terminal when connected to said relay transceiver station by a call set up via said station (column 5, lines 27 – column 6, lines 53 and Fig. 1, 2), and in which unit complementary functions of said two terminals can be employed by the same user having simultaneous access to both terminals (Fig. 1, 2, column 12, lines 45 – column 14, lines 55, and column 26, lines 66 – column 28, lines 39).

Regarding **claim 2**, Jarett discloses that the portable radiotelephone terminal (10 in Fig. 2) and a complementary radiotelephone terminal (12 Fig. 2) equipped with man-machine interface means or software means, which are at least partly complementary (Fig. 1, 2, column 5, lines 27 – column 6, lines 53, and column 12, lines 6 – column 14, lines 55).

Regarding **claim 3**, Jarett discloses that the portable radiotelephone terminal and said complementary radiotelephone terminal include transceiver means and software means enabling them to communicate by radio with the relay transceiver station of the communication network (Fig. 2) via a respective different radiotelephone link during a

call involving said portable radiotelephone terminal (Fig. 1, 2, column 5, lines 27 – column 6, lines 53, and column 9, lines 44 – column 10, lines 53).

Regarding **claim 4**, Jarett discloses that the portable radiotelephone terminal includes transceiver means enabling it to communicate by radio with the relay transceiver station of the communication network via a first link (cellular) and with a radiotelephone terminal complementary to itself via a second link (cordless) when it is within radio range of both (Fig. 1, 2, abstract, column 5, lines 27 – column 6, lines 53, and column 9, lines 44 – column 10, lines 53).

Regarding **claim 5**, Jarett discloses that the portable radiotelephone terminal includes the transceiver means and software means enabling said relay transceiver station and said complementary terminal with which it is communicating by radiotelephone to communicate with each other via it and via the radiotelephone links which selectively connect it to each of them (Fig. 1, 2, abstract, column 5, lines 27 – column 6, lines 53, and column 2, lines 32 – column 3, lines 61).

Regarding **claim 6**, Jarett discloses that the radiotelephone terminal complementary to the portable radiotelephone terminal is connected by a cable link to said communication network to which said mobile terminal has radio access via the relay transceiver station (Fig. 1, 2, abstract, and column 5, lines 27 – column 6, lines 53).

Regarding **claim 7**, Jarett discloses all the limitation, as discussed in claims 1 and 3.

Regarding **claim 8**, Jarett discloses that transmitter means enabling it to transmit a broadcast control channel carrier with a particular power that can be modified to another

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radiotelephone terminal including means enabling it to detect said carrier when it is within radio range of a terminal which includes said transmitter means, so as to enable said two terminals to communicate simultaneously and conjointly with the relay transceiver station of a communication network as the terminal having all functions specific to each of said two terminals (Fig. 1, 2 and column 14, lines 13 – column 16, lines 67).

Regarding **claim 9**, Jarett discloses that receiver means enabling it to detect a broadcast control channel carrier transmitted by the subscriber radiotelephone terminal when it is within radio range thereof to enable said two terminals to communicate simultaneously and conjointly with the relay transceiver station of a communication network as a terminal having all of the functions specific to each of the terminals (Fig. 1, 2 and column 14, lines 13 – column 16, lines 67).

Regarding **claim 10**, Jarett discloses all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Jarett discloses all the limitation, as discussed in claims 1 and 6.

Regarding **claim 12**, Jarett discloses all the limitation, as discussed in claims 1 and 2.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dent et al. (US Patent number 5,812,955) discloses Base Station which Relays Cellular Verification Signals via a Telephone Wire Network to Verify a Cellular Radio Telephone.

Schellinger et al. (US Patent number 5,842,122) discloses Alternative Radiotelephone System Selection.

Nilssen (US Patent number 6,167,278) discloses Combination Cordless-Cellular Telephone System.

Guenther (US Patent number 6,356,762) discloses Method for the Operation of a Radio System and System to Execute the Method.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is (703) 306-5936.



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He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on (703) 308-7745. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
June 26, 2003

John J Lee

A handwritten signature in black ink, appearing to read "Nick Law", with a long horizontal flourish extending to the right.